IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl.No.:   09/779,210   Confirmation No.: 6628
Appellant: Maquaire et al
Filed: 02/08/2001
TC/AU: 2682
Examiner: Tran

Docket: TI-30144
Cust.No.:   23494

APPEAL BRIEF

Commissioner for Patents
P.O.Box 1450
Alexandria VA   22313-1450

Sir:

        The attached sheets contain the Rule 41.37 items of appellant's Appeal
Brief pursuant to the Notice of Appeal filed 01/02/2007. The Director is hereby
authorized to charge the fee for filing a brief in support of the appeal plus any
other necessary fees to the deposit account of Texas Instruments Incorporated,
account No. 20-0668.

Respectfully submitted,

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Rule 41.37(c)(1)(i) Real party of interest

        Texas Instruments Incorporated owns the application.

Rule 41.37(c)(1)(ii) Related appeals and interferences

        There are no related dispositive appeals or interferences.

Rule 41.37(c)(1)(iii) Status of claims

        Pursuant to MPEP 1205.02, for each claim in the case appellant states the status as follows:

        Claim 1: rejected

        Claim 2: rejected

        Claim 3: rejected

        Claim 4: rejected

        Claim 5: rejected

        Claim 6: rejected

        Claim 7: rejected

        Claim 8: rejected

        Claim 9: rejected

        Claim 10: rejected

        Claim 11: rejected

        Claim 12: rejected

        Claim 13: rejected

        Claim 14: rejected

Pursuant to MPEP 1205.02, appellant identifies each claim on appeal as follows

        Claim 1: on appeal

        Claim 2: on appeal

        Claim 3: on appeal

        Claim 4: on appeal

        Claim 5: on appeal

        Claim 6: on appeal

        Claim 7: on appeal

Claim 8: on appeal

Claim 9: on appeal

Claim 10: on appeal

Claim 11: on appeal

Claim 12: on appeal

Claim 13: on appeal

Claim 14: on appeal

Rule 41.37(c)(1)(iv) Status of amendments

The amendment filed 03 Nov 2006 has been entered for purposes of appeal.

Rule 41.37(c)(1)(v) Summary of claimed subject matter

The independent claims on appeal consist of device claim 1 and method claim 10.

The subject matter of claim 1 is a mobile communications device comprising:

a database of telephone numbers (application page 5, lines 13-22; FIGS. 2-3, 40), one or more of the telephone numbers associated with respective audio files (application page 5, lines 13-22; FIGS. 2-3, 44) and voice templates (application page 5, lines 13-22; FIGS. 2-3, 42);

voice activated dialing circuitry (application page 7, lines 1-2; FIG. 3, 50) for dialing one of the telephone numbers in said database in response to identifying a match between an audio input from a user and one of said voice templates, and for playing the associated audio file in response to said match (application page 6, lines 3-14); and;

caller identification circuitry (application page 7, lines 1-2; FIG. 3, 52) for detecting an originating telephone number in said database associated with an incoming telephone call and, if said originating telephone number is associated with an audio file, playing the associated audio file (application page 6, lines 22-27).

The subject matter of claim 10 is a method of interfacing with a mobile communications device, comprising the steps of:

storing frequently called numbers in a telephone number database, one or more of the telephone numbers in said telephone number database associated with respective audio files and voice templates (application page 5, line 23 to page 6, line 2);

receiving an audio input from a user for dialing one of said frequently dialed telephone numbers (application page 6, lines 3-5);

in response to receiving said audio input, identifying a match between said audio input and one of said voice templates and playing the associated audio file in response to said match (application page 6, lines 5-14); and

detecting an originating telephone number associated with an incoming telephone call (application page 6, lines 22-23) and, if said originating telephone number is in said database and is associated with an audio file, playing the associated audio file (application page 6, lines 23-27).

.Rule 41.37(c)(1)(vi) Grounds of rejection to be reviewed on appeal

The grounds of rejection to be reviewed on appeal are:

1. Claims 1, 4-10, and 13-14 were rejected under 35 USC § 103(a) as being unpatentable over van der Salm (WO 06/27974) in view of Barkat et al. (USP 5,805,672).

2. Claims 2-3 and 11-12 were rejected under 35 USC § 103(a) as being unpatentable over van der Salm (WO 06/27974) in view of Barkat et al. (USP 5,805,672) as applied to claims 1 and 10 above, and further in view of Flannery (2002/0086711).

Rule 41.37(c)(1)(vii) Arguments

1. Claims 1, 4-10, and 13-14 were rejected as unpatentable over van der Salm in view of Barkat.

Claims 1, 4-10, and 13-14: The Examiner combined van der Salm for audio caller identification with Barkat for voice-activated dialing.

Appellant replies that there is no suggestion in either van der Salm or Barkat for combination of the two ideas. In particular, van der Salm primarily discloses conversion of incoming caller identification information into a distinctive ring tone; only one paragraph (page 9, lines 17-28) of van der Salm notes "Particularly in large networks, it may be difficult to distinguish between different music or audio ringing sounds uniquely identifying the calling party. In such case another embodiment ... in which the ringing sound takes the form of a voice signal outputting the name of the calling party or the type of call, for example." Indeed, van der Salm emphasizes the algorithmic conversion of caller identification information into ring tones to avoid a large memory containing ring tones, and this counters any suggestion that a name recognition database (as in Barkat) should be combined with van der Salm. In fact, Barkat is a voice-activated ("hands-free") dialing accessory which can be attached to an existing phone and which outputs dialing signals to the existing phone (Barkat column 3, lines 44-48). Thus there is no possibility of any caller identification of the existing phone using the voice-activated calling database of the accessory.

Consequently, the references do not suggest either of the independent claims 1 and 10; and thus the claims are patentable over the references.

2. Claims 2-3 and 11-12 were rejected as unpatentable over van der Salm in view of Barkat and Flannery.

Claims 2-3 and 11-12: Appellant relies upon the patentability of base independent claims 1 and 10.

Rule 41.37(c)(1)(viii) Claims appendix

1. A mobile communications device comprising:

a database of telephone numbers, one or more of the telephone numbers associated with respective audio files and voice templates;

voice activated dialing circuitry for dialing one of the telephone numbers in said database in response to identifying a match between an audio input from a user and one of said voice templates, and for playing the associated audio file in response to said match; and;

caller identification circuitry for detecting an originating telephone number in said database associated with an incoming telephone call and, if said originating telephone number is associated with an audio file, playing the associated audio file.

2. The mobile communications device of claim 1 and further comprising a display for displaying name associated with a telephone caller.

3. The mobile communications device of claim 2 wherein the display further displays said originating telephone number.

4. The mobile communications device of claim 1 wherein said caller identification circuitry further plays a distinctive ring associated with said originating telephone number if the originating telephone number is not associated with an audio file.

5. The mobile communications device of claim 1 wherein said audio files are recordings of the user's voice.

6. The mobile communications device of claim 1 wherein said mobile communications device is a cellular telephone.

7. The mobile communications device of claim 1 wherein said mobile communications device is a smart phone.

8. The mobile communications device of claim 1 wherein said mobile communications device is a personal digital assistant.

9. The mobile communications device of claim 1 wherein said mobile communications device is a portable computer.

10. A method of interfacing with a mobile communications device, comprising the steps of:

    storing frequently called numbers in a telephone number database, one or more of the telephone numbers in said telephone number database associated with respective audio files and voice templates;

    receiving an audio input from a user for dialing one of said frequently dialed telephone numbers;

    in response to receiving said audio input, identifying a match between said

audio input and one of said voice templates and playing the associated audio file in response to said match; and

detecting an originating telephone number associated with an incoming telephone call and, if said originating telephone number is in said database and is associated with an audio file, playing the associated audio file.

11. The method of claim 10 and further comprising the step of displaying name associated with a telephone caller.

12. The method of claim 11 and further comprising the step of displaying said originating telephone number.

13. The method of claim 10 and further comprising the step of playing a distinctive ring associated with said originating telephone number if the originating telephone number is not associated with an audio file.

14. The method of claim 10 wherein said audio files are recordings of the user's voice.

Rule 41.37(c)(1)(ix) Evidence appendix

<u>Rule 41.37(c)(1)(x) Related proceedings appendix</u>